



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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**MEMORANDUM**

By Fax

May 19, 2008

The Honorable Theodore H. Katz  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1660  
New York, New York 10007  
Fax: 212-805-7932

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Re: Brown v. Flynn, 07-Civ-9789 (RJH)(THK) (pro se)

Dear Judge Katz,

This Office expects to file an answer in the above captioned matter as to three of the four defendants tomorrow, May 20, 2008, but respectfully requests a six week extension on the time to respond to the complaint for defendant Rita Flynn, from May 20 to July 1, 2008.

As the undersigned informed the Court in defendants' previous extension application of April 14, 2008, because defendant Flynn is a plaintiff in a Title VII action against the Division of Parole, Flynn v. N.Y.S. Division of Parole, 07-Civ-5821 (WCC)(MDF), a conflict of interest analysis was needed to determine whether this Office could represent Flynn in this case. Certification for outside counsel has been approved by the Bureau Chief and awaits a final determination by the Assistant Deputy Attorney General for State Counsel. Although this final determination is anticipated shortly, additional time is needed for Ms. Flynn to obtain the outside counsel. In the interim, plaintiff can proceed with document requests and interrogatories directed at the other defendants. The Court has granted three extension requests as to all defendants, only the last request involved the conflict issue. Plaintiff's consent has not been sought because of his current incarceration status.

Finally, plaintiff has submitted a motion for leave to file a Second Amended Complaint, which was not served on this office. Rather, plaintiff's Affirmation of Service expressly requested that the Pro Se Clerk forward a copy to me, which, to my knowledge, did not occur. Because the motion does not identify the new facts he seeks to allege, defendants respectfully request that plaintiff's motion be denied.

Respectfully Submitted,

*Steven N. Schulman*  
Steven N. Schulman (SS-3894)  
Assistant Attorney General  
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cc: By Post  
Sherman Brown (Pro se)  
# 2008-01530  
Orange County Jail  
100 Wells Farm Road  
Goshen, New York 10924

*Defendant Flynn's response to the Complaint  
will be filed by July 1, 2008.*  
*S. Schulman*  
*5/21/08*

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